

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2006-125-S - ORDER NO. 2006-588(A)  
OCTOBER 5, 2006

IN RE:	Application of Midlands Utility, Inc.	)	AMENDED ORDER
	Requesting Approval of a Contract for the	)	APPROVING TRANSFER
	Transfer and Sale of Certain of its Sewerage	)	
	Collection Systems within Lexington	)	
	County, South Carolina to the City of Cayce	)	

This matter comes before the Public Service Commission of South Carolina (the Commission) by way of the necessity to amend Commission Order No. 2006-588 issued in the present docket. Order No. 2006-588 was issued October 2, 2006, approving the transfer of certain sewer collection systems of Midlands Utility, Inc. within Lexington County to the City of Cayce, South Carolina. However, the Docket Number and the “in re” of the case are mis-identified in the Order. The Docket No. is incorrectly stated as Docket No. 2006-163-S, and the “in re” on page 1 of the Order is incorrectly stated as, “Application of Midlands Utility, Inc. for a Sanitary Sewer Service Area Extension to Serve the Parkstone Subdivision.” To correct these errors, the present Order is being issued. Other than the above corrections, an amended order number (Order No. 2006-588(A)), and present issuance date (October 5, 2006), all other language of Order No. 2006-588 remains verbatim and follows.

This matter comes before the Public Service Commission of South Carolina (“Commission”) on the request of Midlands Utility, Inc. (“Midlands”) to approve the proposed contract for the transfer of certain of its sewer collection systems within Lexington County to the City of Cayce, South Carolina. In order to approve the transfer, this Commission must determine that the “transfer or acquisition is in the public interest, or that public convenience and necessity require” the proposed operations. S.C. Code Ann. Regs. 103-504. The regulation further requires that such determination be made after “the applicable information set forth in Subarticle 2, 103-510 et seq., has been filed, and after notice has been given to the Department of Health and Environmental Control and to other interested sewerage utilities, and to the public, and after due hearing.”

On April 25, 2006, Midlands filed and served its application seeking approval of a proposed contract for the transfer of certain of its sewer collection systems within Lexington County to the City of Cayce, South Carolina. By letter dated May 4, 2006, the Office of Regulatory Staff (ORS) requested the Notice of Filing be delayed by ten days to two weeks. ORS notified the Commission on May 26, 2006, that ORS had no objection to the issuance of the Notice of Filing. By letter dated June 2, 2006, the Commission’s Docketing Department instructed the Applicant to publish, no later than June 12, 2006, a Notice of Filing in a newspaper of general circulation in the area, and further, no later than June 12, 2006, to serve the Notice of Filing upon each customer by U.S. Mail. The Applicant was further instructed to provide proof of timely publication and mailing no later than July 3, 2006. The Applicant timely presented proof that it had complied with these requirements. Midlands provided notice of the filing of the Application to counsel

for the City of Cayce and to counsel for the South Carolina Department of Health and Environmental Control. No Protests or Petitions to Intervene were received. ORS does not oppose the Application. Accordingly, Midlands requests a waiver of the hearing requirement of S.C. Code Ann. Regs. 103-504 (Territory and Certificates).<sup>1</sup> Pursuant to S.C. Code Ann. Regs. 103-601 (Waiver of Rules),<sup>2</sup> we find it in the public interest to waive the hearing requirement of 103-504 because of unusual difficulty created for the applicant under the present circumstances.

Based on the foregoing, and pursuant to S.C. Code Ann. Regs. 103-504, the Commission concludes that it is in the public interest to approve the proposed transfer of certain Midlands sewer collection systems located within Lexington County to the City of Cayce, South Carolina.

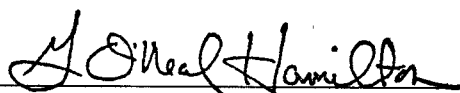
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<sup>1</sup> “103-504. Territory and Certificates. No existing public utility supplying sewerage disposal to the public, or any individual, corporation, partnership, association, establishment, or firm undertaking the construction or acquisition of a utility, shall hereafter sell, acquire, transfer, begin the construction or operation of any utility system, or of any extension thereof, by the sale of stock or otherwise, without first obtaining from the commission a certificate that the sale, transfer, or acquisition is in the public interest, or that public convenience and necessity require or will require construction or operation of any utility system, or extension. Such certificate shall be granted only after the applicable information set forth in Subarticle 2, 103-510 et seq., has been filed, and after notice has been given to the Department of Health and Environmental Control and to other interested sewerage utilities, and to the public, and after due hearing.”

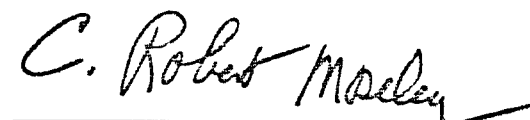
<sup>2</sup> “Waiver of Rules. In any case where compliance with any of these rules and regulations introduces unusual difficulty such rule or regulation may be waived by the Commission upon a finding by the Commission that such a waiver is in the public interest.”

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
G. O'Neal Hamilton, Chairman

ATTEST

  
C. Robert Moseley, Vice Chairman

(SEAL)